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April 18, 2014

By ECF

Hon. Edward R. Korman, U.S.D.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Garcia v. Pomodoro Huguenot Ave., Inc., et al.*
Case No. 12-CV-4910 (ERK) (RML)

Dear Judge Korman,

We are counsel to the plaintiff in the above-referenced matter. Please accept this letter as plaintiff's request that a telephone conference be scheduled at the Court's earliest convenience to discuss enforcement of the previously reached settlement agreement or, in the alternative, to have judgment entered against the defendants.

Pursuant to the terms of the settlement reached between the parties in August 2013, the defendants agreed to pay plaintiffs the sum of \$5,000 payable in ten (10) equal and consecutive monthly installments of \$500. Defendants made the first seven (7) of those installments. However, the defendants have failed to make their April 1, 2014 payment, and have not cured the default despite being given an opportunity to do so. Thus, a total of \$1,500 remains outstanding. Moreover, the agreement calls for liquidated damages of 25% of the unpaid portion in the event of a default. In this case, a total of \$375.

Accordingly, it is respectfully requested that a conference be scheduled for purposes of enforcing the terms of the agreement or, in the alternative, to have judgment entered against the defendants for the full amount of the unpaid settlement.¹

For purposes of scheduling, please be advised that the undersigned is unavailable to appear for a conference between April 22 and May 2.

¹ In the September 18, 2013 Stipulation and Order of Dismissal, the Court agreed to retain jurisdiction over this matter for purposes of enforcing the settlement.

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Respectfully submitted,



Justin Cilenti

JC/jp

cc: Kerri Bringslid, Esq. (by ECF and email)